

ASSEMBLY BILL

No. 1353

Introduced by Assembly Member Linder

February 22, 2013

An act to amend Section 4104 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1353, as introduced, Linder. Public contracts.

The Subletting and Subcontracting Fair Practices Act requires an officer, department, board, or commission taking bids for the construction of any public work or improvement to provide in the specifications prepared for the work or improvement, or in the general conditions under which bids will be received, that any person making a bid or offer to perform the work, in his or her bid or offer, set forth the name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement, as specified.

This bill would instead require that those specifications provide that any person making a bid or offer to perform the work, in his or her bid or offer, set forth each subcontractor required to be licensed by the Contractors' State License Board who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or who will, under subcontract to the prime contractor, specially fabricate and install a portion of the work or improvement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4104 of the Public Contract Code is
2 amended to read:
3 4104. Any officer, department, board or commission taking
4 bids for the construction of any public work or improvement shall
5 provide in the specifications prepared for the work or improvement
6 or in the general conditions under which bids will be received for
7 the doing of the work incident to the public work or improvement
8 that any person making a bid or offer to perform the work, shall,
9 in his or her bid or offer, set forth:
10 (a) (1) The name and the location of the place of business of
11 each subcontractor ~~who required to be licensed by the Contractors'~~
12 ~~State License Board who will perform work or labor or render~~
13 ~~service to the prime contractor in or about the construction of the~~
14 ~~work or improvement, or a subcontractor licensed by the State of~~
15 ~~California who will, under subcontract to the prime contractor,~~
16 ~~specially fabricates and installs~~ *fabricate or install* a portion of the
17 work or improvement according to detailed drawings contained
18 in the plans and specifications, in an amount in excess of one-half
19 of 1 percent of the prime contractor's total bid or, in the case of
20 bids or offers for the construction of streets or highways, including
21 bridges, in excess of one-half of 1 percent of the prime contractor's
22 total bid or ten thousand dollars (\$10,000), whichever is greater.
23 (2) (A) Subject to subparagraph (B), any information requested
24 by the officer, department, board, or commission concerning any
25 subcontractor who the prime contractor is required to list under
26 this subdivision, other than the subcontractor's name and location
27 of business, may be submitted by the prime contractor up to 24
28 hours after the deadline established by the officer, department,
29 board, or commission for receipt of bids by prime contractors.
30 (B) A state or local agency may implement subparagraph (A)
31 at its option.
32 (b) The portion of the work that will be done by each
33 subcontractor under this act. The prime contractor shall list only

- 1 one subcontractor for each portion as is defined by the prime
- 2 contractor in his or her bid.

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